

So I hope that the leadership of this body, hearing the capacity, the energy, the stubbornness of the Senator from New York, would really realize that the better part of valor is to allow us to have an up-or-down vote on this amendment. It seems to me, humbly stating, that this is the way this body should, in fact, function.

Mr. D'AMATO. Mr. President, I simply would like to say that I have never encountered such graciousness, such tenacity, such great dedication to a cause than the Senator from California has given to this effort for the past almost year and a half; and what a great fighter she is for all of the families of this country.

I thank her. And it is a great privilege and pleasure for me to have the opportunity to work with her in this endeavor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2405

(Purpose: To express the sense of the Senate regarding the Indian Nuclear Tests)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mrs. FEINSTEIN), for herself, and Mr. BROWBACK, Mr. GLENN, and Mr. BRYAN, proposes an amendment numbered 2405.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert: Findings:

The Government of India conducted an underground nuclear explosion on May 18, 1974;

Since the 1974 nuclear test by the Government of India, the United States and its allies have worked extensively to prevent the further proliferation of nuclear weapons in South Asia;

On May 11, 1998, the Government of India conducted underground tests of three separate nuclear explosive devices, including a fission device, a low-yield device, and a thermonuclear device;

On May 13, 1998 the Government of India conducted two additional underground tests of nuclear explosive devices;

This decision by the Government of India has needlessly raised tension in the South Asia region and threatens to exacerbate the nuclear arms race in that region;

The five declared nuclear weapons states and 144 other nations have signed the Comprehensive Test Ban Treaty in hopes of putting a permanent end to nuclear testing;

The Government of India has refused to sign the Comprehensive Test Ban Treaty;

The Government of India has refused to sign the Nuclear Non-Proliferation Treaty;

India has refused to enter into a safeguards agreement with the International Atomic Energy Agency covering any of its nuclear research facilities;

The Nuclear Proliferation Prevention Act of 1994 requires the President to impose a variety of aid and trade sanctions against any

non-nuclear weapons state that detonates a nuclear explosive device;

It is the sense of Senate that the Senate

(1) Condemns in the strongest possible terms the decision of the Government of India to conduct three nuclear tests on May 11, 1998 and two nuclear tests on May 13, 1998;

(2) Supports the President's decision to carry out the provisions of the Nuclear Proliferation Prevention Act of 1994 with respect to India and invoke all sanctions therein;

(3) Calls upon the Government of India to take immediate steps to reduce tensions that this unilateral and unnecessary step has caused;

(4) Expresses its regret that this decision by the Government of India will, of necessity set back relations between the United States and India;

(5) Urges the Government of Pakistan, the Government of the People's Republic of China, and all governments to exercise restraint in response to the Indian nuclear tests, in order to avoid further exacerbating the nuclear arms race in South Asia;

(6) Calls upon all governments in the region to take steps to prevent further proliferation of nuclear weapons and ballistic missiles;

(7) Urges the Government of India to enter into a safeguards agreement with the International Atomic Energy Agency which would cover all Indian nuclear research facilities at the earliest possible time.

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment to the Department of Defense authorization bill to express the concern of this body and condemnation of the recent Indian nuclear tests.

Mr. President, this is a sense of the Senate. Before I go into the provisions of it, let me state what I understand the facts to be.

In the last 2 days, there have been five underground nuclear tests in India about 70 miles from the border of Pakistan. According to Prime Minister Vajpayee of India, there was a fission device, a low-yield device, and a thermonuclear device.

According to the Carnegie Foundation, India is estimated to have approximately 400 kilograms of weapons-usable plutonium. Given that it takes about 6 kilograms of plutonium to construct a basic plutonium bomb, this amount would be sufficient for 65 bombs. With a more sophisticated design, it is possible that this estimate could go as high as 90 bombs.

India also possesses several different aircraft capable of nuclear delivery, including the Jaguar, the Mirage 2,000, the MiG-27, and the MiG-29. India has 2 missile systems potentially capable of delivering a nuclear weapon: The Prithvi, which can carry a 1,000-kilogram payload to approximately 150 kilometers or a 500-kilometer payload to 250 kilometers; and the Agni, a two-stage, medium-range missile which can conceivably carry a 1,000-kilogram payload as far as 1,500 to 2,000 kilometers.

India, according to a report, has possibly deployed, or at the very least is storing, conventionally armed Prithvi missiles in Punjab very near the Pakistani border.

Mr. President, it is no secret that there are intense feelings between these two nations. Pakistan and India,

up to late, have been very difficult adversaries. More recently—this makes these detonations even more concerning—I think there has been a kind of rapprochement. And we hopefully were seeing some improvement in the relations between these two countries.

Mr. President, I can hardly think of a more important issue to the interests of the United States than preventing the proliferation of weapons of mass destruction. As the Secretary of State said the other day, this Nation has no other agenda than peace and stability throughout the world. And that, indeed, is an agenda to which I believe this body can wholeheartedly subscribe. So each State that acquires nuclear weapons creates additional complications in maintaining international security.

In south Asia today it appears to be too late to talk about preventing the acquisition of nuclear weapons. Both countries, India and Pakistan, now clearly have nuclear capability. And ultimately India must determine for itself whether its interests are best served by ridding South Asia of weapons of mass destruction or by turning the region into a potential nuclear battleground. That, I think, is no less the decision that has to be made.

We all hope that India will choose the course of deescalation, of standing down, of beginning to reduce its nuclear arsenal and at the very least showing a willingness, now that these underground tests have been carried out, to sign the Nuclear Non-Proliferation Treaty.

And, all of us saying to the Pakistani Government, please, we urge you not to respond in kind but to show that, indeed, Pakistan understands that greatness is not indigenous to nuclear production, I believe, in the long run, will bring inordinate credibility to the Government and the people of Pakistan, and the favorable response of this body as well.

Mr. President, the amendment I submit today on behalf of Senators BROWBACK, GLENN, BRYAN and myself essentially reports what has happened in the last 2 days. It then goes on to say that it is the sense of the Senate that we condemn in the strongest possible terms the decision of the Government of India to conduct three nuclear tests on May 11 and two on May 13 and that we support the President's decision to carry out the provisions of the Nuclear Proliferation Prevention Act of 1994 with respect to India and to invoke all sanctions therein.

I might add that the author of that act is a distinguished Member of this body, none other than Senator JOHN GLENN of the great State of Ohio. And that is a rather comprehensive statement of sanctions that in fact can be placed on India. It will effectively terminate assistance to that country under the Foreign Assistance Act of 1961 except for humanitarian assistance or food or other agricultural commodities.

It will terminate sales to that country of any defense articles, defense services or design and construction services, and licenses for the export to that country of any item on the U.S. munitions list.

It will terminate all foreign military financing for that country, and it will deny to that country credit, credit guarantees or other financial assistance by any department, agency or instrumentality of the U.S. Government, except that it will not apply to any transaction subject to the reporting requirement of title V or to humanitarian assistance.

And it will oppose, in accordance with the International Financial Institutions Act, the extension of any loan or financial or technical assistance to that country by any international financial institution and prohibit any U.S. bank from making any loan or providing any credit to the Government of that country except for loans or credits for the purpose of purchasing food or other agricultural commodities.

Finally, it will prohibit exports to that country of specific goods and technology.

My point in reading this, Mr. President, is that these, indeed, are strong sanctions. I believe all Members of this body are in support of the President's decision and this amendment gives us an opportunity to say so.

The sense of the Senate also calls upon the Government of India to take immediate steps to reduce tensions that this unilateral and unnecessary step has caused. We express our regret that this decision by the Government of India will by necessity set back relations between the United States and India, and we urge the Government of Pakistan, the Government of the People's Republic of China and all governments to exercise restraint in response to Indian nuclear tests in order to avoid further exacerbating the nuclear arms race in south Asia.

We call upon all governments in the region to take steps to prevent further proliferation of nuclear weapons and ballistic missiles, and we urge the Government of India to enter into a safeguards agreement with the International Atomic Energy Agency which would cover all Indian nuclear research facilities at the earliest possible time.

Mr. President, this is the text and sum of this sense-of-the-Senate amendment before this body. I might say, for someone who has taken an interest in India, who has spent time with prior Ambassadors, both of India and Pakistan, attempting to reconcile differences between the two countries, that these tests come to me personally as a very low blow.

I did not think we would see the day when the detonation of these nuclear devices would take place. However, that is now past. We have seen that day. We hope we learn from that, and we hope, most importantly, that the governments concerned—India, Paki-

stan, and China—also will recognize the fact that we in this body wish to do everything we possibly can to find consensus rather than animus, to put an end to the adversarial relationships, and to have sanity and soundness prevail when it comes to nuclear weapons.

I thank the Chair. Perhaps I might ask for the yeas and nays on this amendment.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BROWNBACK. Mr. President, I would like to be heard.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. FEINSTEIN. I now see my distinguished colleague. I did not see Senator BROWNBACK. Perhaps he would like to comment as well.

The PRESIDING OFFICER. The Senator from Kansas.

PRIVILEGE OF THE FLOOR

Mr. BROWNBACK. I wish to address this body on this very important issue. Before I get started, I ask unanimous consent that Terry Williams of my staff be allowed in the Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I am a cosponsor of the Feinstein amendment. Senator FEINSTEIN and I spoke yesterday about this issue and the need to speak and to act quickly by the United States in a statement of condemnation towards India, of support towards Pakistan, to encourage the Pakistanis to stand strong as a nation and not to ignite and set forth a nuclear weapon and escalate this chain reaction. We put forward this resolution of which I am a cosponsor. I believe it is the right and appropriate step for us. She has offered it, and she has been a peacemaker and a peacekeeper for these countries, had their representatives in her home to try to get the Ambassadors of these two nations to speak together and to not further proliferate but, rather, to seek peace. And all of that to no avail as far as the action that the Indian Government has taken this week.

We had, yesterday, a hearing in my subcommittee that Senator FEINSTEIN attended where we heard of the great problems we are facing on this entire subcontinent. Indeed, this is probably the most difficult area of the world today and the most problematic, and the most probable flash point that the world is facing today with the use of nuclear weapons.

With the Indians taking this action, five being set off, and then the response in India, not being one of "My goodness, what have we unleashed, these first devices being set off since 1974 by a nonnuclear-weapons state; my gosh, what have we released?" the reaction in the street has been jubilation, which is greater cause for concern, for concern of what is going to happen in

Pakistan, which is most likely the next place for there to be a response, whether they would step forward and set off a nuclear weapon themselves, and where do we escalate from there? These two nations have gone to war three times in the last half century. This, to me, is a grave situation we are facing today.

The world was duly horrified this week when the Government of India detonated these three nuclear devices. I think India has behaved irresponsibly and has relegated itself to the category of an outcast. It is a terrible shame for a great nation. Rather than a celebration in the streets, the people of India should be demonstrating against their government for plunging their nation into this international crisis. That is why I support this resolution.

South Asia is facing a moment of truth. India has already acted. We know Pakistan is poised to retaliate. I believe we have to have a chance—and I want to note this, just a chance—to stop Pakistan, or encourage Pakistan from taking a foolish and dangerous step. We must, as President Clinton has recognized, do all we can to persuade the Government of Pakistan to show restraint, moderation, and intelligence. Deputy Secretary of State Talbott, Assistant Secretary Inderfurth and General Zinni are in Pakistan right now. I support their efforts and wish them every success in their discussions with Prime Minister Sharif.

But I think we, too, must act in the U.S. Senate. With this resolution, I think we must demonstrate, also, our support for Prime Minister Sharif in the face of incredible pressure that he is going to have from his country to respond to India's nuclear tests. That is why I believe the Senate should do this, and I also think the Senate should go further. I think we need to take further and even more aggressive and bold action to try to encourage the Pakistanis: Don't respond in kind.

With that, I think we need to act today to repeal the Pressler amendment as an action we can take, as an overt carrot to hold out to the Pakistanis, saying, "We believe in your cause. Please, show restraint. Don't go on forward. Don't ignite a nuclear weapon. Don't continue this chain reaction. And if you don't, we are prepared to move forward with removing something that has been a thorn in your side for some time, the Pressler amendment itself."

This is not about rewarding Pakistan or punishing India. This is a signal to Pakistan at a crucial moment. Repealing the Pressler amendment will have little impact on the ground. Pakistan is already subject to Glenn-Symington sanctions dating back more than a decade. Those sanctions already preclude providing Pakistan any assistance under the Foreign Assistance Act.

So, in this regard I would like to send an amendment to the desk regarding the Pressler amendment and ask for its

immediate consideration. This will be in the form of an amendment to the amendment.

AMENDMENT NO. 2407 TO AMENDMENT NO. 2405

(Purpose: To repeal a restriction on the provision of certain assistance and other transfers to Pakistan)

Mr. BROWNBACK. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 2407 to amendment No. 2405.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

SEC. 1064. REPEAL OF RESTRICTION ON CERTAIN ASSISTANCE AND OTHER TRANSFERS TO PAKISTAN.

Section 620E(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(e)) is repealed.

Mr. BROWNBACK. Mr. President, as I pointed out, I am a cosponsor of Senator FEINSTEIN's efforts in this regard, the resolution being put forward. I think that is positive and it is a right step to do. I think we need to do that. But I think at this critical juncture we have to act even more decisively than what we are doing with this resolution, and that is why I am proposing this amendment to the resolution that I cosponsor. I think the amendment that Senator FEINSTEIN has put forward is the right thing to do.

I think, as well, at this very moment in Islamabad and throughout Pakistan they are considering: How do we respond? What do we do? Should we set off a nuclear weapon ourselves, in this escalating set of events?

If you are in Islamabad and you are the Prime Minister of this country, or a parliamentarian, or somebody that's an official in this nation, you have to be sitting there saying, What do we do? Is this the time we should show strength in the form of retaliation, in the form of setting off another nuclear weapon, and we get the escalation going on? And there is pressure building in the streets, and the people in the streets say, "We need to respond, we need to show strength in the form of detonating a nuclear weapon."

We have to do everything we can today to try to encourage the Pakistanis not to respond in kind. We need to hold out some carrots to them, saying if you will show restraint, if you will show wisdom, if you will show moderation, we can help and we can work with you and here is a way. The Pressler amendment has been in place. It has been partially repealed over time. We can say to them, If you will show restraint, we are going to move towards lifting this; we are going to lift this Pressler amendment.

Then they have a different choice to make. They can say, You know, if we

don't respond in kind we can get the onus of this off our back that we have tried to have removed for some time. If we do respond in kind, the Glenn amendment automatically hits the Pakistanis as well, and you are going to have a wider range of issues and of sanctions that will be hitting Pakistan. So now there is a carrot and a big stick sitting out there of, How do we respond? And the pressure is building in the streets in Islamabad and throughout Pakistan of, How do we respond? We have to do everything we can, near term, to stop that and provide them some option and some means and some reason not to set off a nuclear weapon.

What repealing this outdated, I think, unilateral sanction will do is bring Pakistan on the same playing field as the rest of the world and will offer them a carrot. If Pakistan detonates a nuclear weapon, as India has, it will be subject to the same sanctions as India. And believe me, I will be the first one to urge that the United States move swiftly and decisively to impose the sanctions.

It is important that we factor in several considerations as we consider this amendment. The first is that there are multiple laws in place to deal with nuclear proliferators: the Glenn-Symington amendment, the Glenn amendment, and various others. Pakistan will not, and should not, be allowed to get away with nuclear proliferation. There can be no excuse for transgressing international norms or U.S. laws.

However, we must also face an important reality. Pakistan, a long-term friend and ally of the United States, is next door to a nation of 960 million people who just tested five nuclear weapons this week. India could not have been more clear that it was sending a message to China and as well to Pakistan and the rest of the world. It is not unnatural, though it is clearly unwise, for Pakistan to consider its options.

Pakistan's conventional military abilities have been seriously eroded because of the Pressler sanctions. I believe that were Pakistan able to be more reliant on a conventional deterrent the nuclear option might seem less attractive. In addition, were Pakistan aware of the immense international support behind a policy of restraint, so, too, might they feel less threatened and feel like there is something in this for them if they show a bit of moderation and a bit of restraint.

We are at a crucial moment. Failure to take decisive action at this juncture could mean disaster in south Asia. I think time is absolutely of the essence or I would not have brought it out on this today. Decisions are being made now in Islamabad of what reaction they will take to the Indian's action, what they have done this week in detonating five nuclear weapons. Those decisions are being made now. I wish we could put this debate off for a month or

2 or 5 months, or a year, but it is now that it counts. It is now that decisions are being made. I hate to rush people towards these sorts of actions, but if we fail to act now, with all the potential we have to urge restraint in Pakistan, I am fearful we will have acted too late and the graphite rods will have been pulled out and the chain reaction continues and we have not done everything we possibly can.

This is something we can possibly do. I wish it were in another place on another vehicle. There is no other place or time to be able to do this. I think the base amendment is a good one to pass. I think this one sends the absolute positive signal to Pakistan, please, please show restraint. That is why I ask consideration of my amendment to the amendment.

At the appropriate time, if necessary, I will be asking for the yeas and nays.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, regretfully I rise to oppose this amendment which, in the current heated environment surrounding the Indian nuclear tests, seeks to repeal the Pressler amendment.

I believe that to put a repeal of the Pressler amendment on this bill and to allow the United States to resume military aid to Pakistan would be counterproductive and would contribute to a further destabilization of an already unstable South Asian security environment.

What would India do in response? I urge the Members of this body, when considering whether to vote for an imminent repeal of the Pressler amendment, to think that we are doing this before our people have even had a chance to ascertain what the particulars of this situation are. We are doing it before we have any assessment of what might be the response to this action. I think that is precipitous, and I think it is unfortunate.

Most immediately, what would be the effect? A repeal of Pressler would release 28 F-16s which Pakistan purchased in 1989, but due to the inability of the President to certify in 1990 that Pakistan does not possess a nuclear device—

The PRESIDING OFFICER. If the Senator will withhold.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the completion of this vote, the floor be restored to the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 2387

The PRESIDING OFFICER. The hour of 3 p.m. having arrived, the question is on agreeing to the motion to lay on the table amendment No. 2387. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 76, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—24

Akaka	Glenn	Levin
Baucus	Graham	Lugar
Biden	Grams	McConnell
Bingaman	Hagel	Murkowski
Breaux	Inouye	Reed
Cleland	Johnson	Robb
Daschle	Kennedy	Roberts
Ford	Kerry	Rockefeller

NAYS—76

Abraham	Faircloth	McCain
Allard	Feingold	Mikulski
Ashcroft	Feinstein	Moseley-Braun
Bennett	Frist	Moynihan
Bond	Gorton	Murray
Boxer	Gramm	Nickles
Brownback	Grassley	Reid
Bryan	Gregg	Roth
Bumpers	Harkin	Santorum
Burns	Hatch	Sarbanes
Byrd	Helms	Sessions
Campbell	Hollings	Shelby
Chafee	Hutchinson	Smith (NH)
Coats	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Jeffords	Specter
Conrad	Kempthorne	Stevens
Coverdell	Kerry	Thomas
Craig	Kohl	Thompson
D'Amato	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Warner
Domenici	Leahy	Wellstone
Dorgan	Lieberman	Wyden
Durbin	Lott	
Enzi	Mack	

The motion to lay on the table the amendment (No. 2387) was rejected.

Mr. HUTCHINSON. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The motion to lay on the table the motion reconsider is agreed to.

The Senator from Arkansas.

VOTE ON AMENDMENT NO. 2401

Mr. HUTCHINSON. Mr. President, I, as the sponsor of the amendment, accept the second-degree amendment by Senator THOMAS, ask unanimous consent to vitiate the yeas and nays, and urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the yeas and nays are vitiated. Without objection, the second-degree amendment is adopted.

The amendment (No. 2401) was agreed to.

Several Senators addressed the Chair.

Mr. LEVIN. Mr. President, the reason for my concern about this amendment is reflected in the statement that was sent to us by the administration. I very much support the purpose of this amendment. I think it is right on target, and I commend the Senator from Arkansas for focusing on this problem.

But the statement of the administration policy raises a concern that the requirement to disclose publicly the list of Chinese military companies operating directly or indirectly in the United States could implicate classified information that needs to be protected in the interests of national security, i.e., intelligence sources and methods. That is the basis for my concern, and therefore I will vote "no" on a voice vote, and I ask unanimous consent that this statement of administration policy be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, November 4, 1997.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2647—MONITORING COMMERCIAL ACTIVITIES OF CHINESE MILITARY COMPANIES (FOWLER (R) FL AND 16 OTHERS)

The Administration opposes H.R. 2647 because it is unnecessary and counterproductive. In particular, the Administration opposes the requirement to disclose publicly the list of Chinese military companies operating directly or indirectly in the United States. The requirement for such disclosure could implicate classified information that needs to be protected in the interests of national security, i.e., intelligence sources and methods.

The Administration is also seriously concerned about the precedent of authorizing the exercise of authorities under the International Emergency Economic Powers Act (IEEPA) without regard to the Act's strict standards of an international threat. H.R. 2647 establishes no clear standards for invoking the IEEPA authorities against Chinese military companies and bears no relation to the effect on the United States of the commercial activities of the designated Chinese companies. If the People's Liberation Army companies, or any other foreign companies, undertake specific illegal activities, there are U.S. laws authorizing a broad range of sanctions. In cases when U.S. law is violated, the Administration can, and will, act to enforce the law.

VOTE ON AMENDMENT NO. 2387, AS AMENDED

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2387), as amended, was agreed to.

AMENDMENT NO. 2388, AS AMENDED, AS MODIFIED

Mr. WARNER. Mr. President, my understanding is the Senator from Arkansas has a second amendment.

Mr. HUTCHINSON. Mr. President, amendment No. 2388 is the second amendment. Has the amendment been modified by the Harkin amendment?

The PRESIDING OFFICER. The amendment has been modified.

Mr. HUTCHINSON. Once again, this is a good amendment. It was broadly supported in the House on a bipartisan basis. I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. I again commend my friend, the Senator from Arkansas, on this amendment. I think it is a good amendment. I ask unanimous consent I be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2388), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, to advise Senators, we will not have further votes prior to the hour of 5 o'clock. My understanding is the Senator from Oklahoma has an amendment which he wishes to bring to the Senate. I am hopeful we could accommodate a few more minutes of debate, which the Sen-

ator from California had asked for, on her amendment.

Mr. LEVIN. Will the Senator from Virginia yield on that point?

Mr. WARNER. I yield.

Mr. LEVIN. I believe we did enter a unanimous consent agreement that the Senator from California be recognized after the disposition of the Hutchinson amendments, since she was in the middle of her remarks at the time that the regular order required us to begin the last votes.

I am wondering if we could just spend 30 seconds seeing if the Senator from California would like the floor.

Mr. WARNER. Mr. President, I join in that request, and then the Senate can proceed to the amendment of the Senator from Oklahoma. I ask unanimous consent that following the remarks of the Senator from California, the Senate proceed to the amendment that will be submitted by the Senator from Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I understand that the Senator from California is on her way and will be here in a few moments. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescind.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I had been asked previously by the Senator from Iowa that he be listed as a cosponsor of the amendment I put forward. I ask unanimous consent that while we are waiting that he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I suggest the absence of a quorum.

Mr. LEVIN. Will the Senator withhold? Mr. President, I ask unanimous consent that the Senator from Oklahoma be recognized for 5 minutes at this time and then the Senator from California regain recognition.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma is recognized.

Mr. INHOFE. Thank you, Mr. President.

As chairman of the Readiness Subcommittee, I want to make a couple of comments concerning the defense authorization bill of 1999 and how it affects readiness.

Over the past several years, a number of military officers have expressed deep concerns regarding the trends in the operational readiness of the Armed Forces. Last year, these trends led one military officer to state, "The storm clouds are on the horizon."

This was a year in which most of the Armed Forces were ready to meet their wartime mission, but in order to do so

in a resource-constrained environment, they were forced to resort to cost-saving practices which could impact negatively on our wartime readiness.

For example, the Marine Corps began using retreaded tires. This had not been done before. We have no way of knowing how these will perform in the case of some type of a Persian Gulf or Middle East desert-type of operation.

While the overall readiness of forward deployed units remains adequate, this is increasingly accomplished at the expense of nondeployed units. According to Vice Admiral Browne, Commander of the Navy's Third Fleet: "More today than in the past, forward deployed readiness is being maintained with the slimmest of margins and at the expense of CONUS based training and increased individual PERS-TEMPO."

He went on to say: "To get the U.S.S. *Denver* underway early as part of the Tarawa ARG amphibious readiness group, two other ships were cannibalized for parts."

Furthermore, Colonel Bozarth of the Air Force's 388th Operations Group stated: "The people that pay the price, though, are the folks that are back home. Because if you take a wing like ours, 5 years ago, in 1993, we were looking at full mission capable rates in the nineties. In the 1995-1997 timeframe, we are looking at mission capable rates in the eighties. Now we are down into the lower seventies."

Unfortunately, there are reports that even the readiness of the forward deployed units is beginning to suffer. According to naval officers in the Pacific, 20 percent of the deployed planes on the carriers are grounded awaiting spare parts and other maintenance, all the time cannibalization of the aircraft is taking place. It has gone up 15 percent over the past year. In fact, Admiral Browne recently acknowledged that, "Full mission capable rates from fiscal year 1996 to 1997 for our deployed aircraft have declined from 62 to 55 percent."

I am very much concerned about this. Mr. President, I think this is due to two problems that we have. One is the deprived budget, insofar as our modernization program, which is leading us to have to use older equipment, and the other is the high deployment rate.

It is interesting that since 1992, we have had twice the number of deployments that we had in the entire 10 years before that. This is not for missions that are affecting our Nation's security.

I have had occasion to go to many, many, many installations throughout America and around the world. I can tell you right now, we have very serious problems. In Camp Lejeune, in talking to these guys down there—they are tough marines, but their OPTEMPO and PERSTEMPO rate, to the extent the divorce rate is up, the retention rates are down. It is a very serious problem.

I think most people realize it costs \$6 million to put a guy into the cockpit of an F-16, and yet our retention rate right now has gone down 28 percent. In the Mojave Desert, the National Training Center in Twentynine Palms tells us the troops they get in for advance training are far below the level of proficiency that they were 10 years ago. Nellis Air Force Base where they have a red-flag operation, which is a very good operation for training combat pilots, they now have dropped these operations from every 12 months to 18 months. This means they go down from six to four operations each year.

What this means is, these pilots who would otherwise be going through the red-flag exercises getting this simulated training that is actually for combat are off providing missions, supporting areas like Bosnia.

I draw attention to the 21st TACON, because in this area, we have both of these problems occurring. The 21st TACON is using old equipment. Some of the 915 trucks that they use have over a million miles on them. I personally saw that they are using for loading docks old flatbeds that are wired together.

As far as the deployment is concerned, we know there are serious problems around the world. We know that Iraq is about to boil. We know we may have to send in ground troops, and yet they would have to be logistically supported by the 21st TACON. Right now they are at 100 percent capacity just supporting the Bosnia operation.

What we are dealing with in the defense authorization bill for 1999 is a budget that is not adequate and it does not put us in the state of readiness we should be in, but it is the very best we can do under the constraints that we are operating.

While it is inadequate, I do ask that our colleagues support the defense authorization bill for 1999.

Mr. COCHRAN. Mr. President, it is critically important that the United States be able to protect its troops in the field from ballistic missile attack, and this includes modern ballistic missiles of increasing range and sophistication. To do that, we need both lower tier systems like the Patriot and more capable, upper tier systems like the Theater High Altitude Air Defense, or THAAD, and Navy Theater Wide.

It is disappointing that the THAAD system has not yet achieved a successful intercept in its test program. Given the program's history of lengthy delays between flight tests, it is unlikely that a sufficient number of tests can be conducted in fiscal year 1999 to enable the program to enter into the Engineering and Manufacturing Development, or EMD, phase. Accordingly, I understand the rationale for the amendment offered today which would remove an additional \$250 million from the THAAD Program. While I am disappointed that the program's lack of progress has brought about this decision, I believe the action proposed by the chairman

and ranking member of the Armed Services Committee to be reasonable. And, along with everyone else, I call on the Government and the contractors supporting the program to do everything they can to ensure future success.

Let's not forget, however, that we have test programs to find and solve problems. We would move our weapons systems right from the drawing board to the field if we never expected to uncover problems during testing. While we would prefer there to be as few problems as possible, test programs are conducted to wring these problems out of our weapons systems. We should not be too quick to overemphasize the results of any one test.

The level of scrutiny being applied to the Demonstration and Validation phase of the THAAD Program is higher than that applied to any other program in its Dem-Val phase that I am aware of. In fact, the scrutiny it is undergoing is more like that normally found in the EMD phase of a program. This intense scrutiny will ultimately be beneficial in helping us get this system fielded as soon as the technology is ready. Given the EMD-like scrutiny in the THAAD Dem-Val program, Congress should examine the Department of Defense plans for the structure and length of its EMD program. It is important for this program to be long enough to ensure the THAAD system ultimately produced is the right one, but not so long as to leave U.S. forces vulnerable for a minute longer than technologically necessary.

The need for missile defense doesn't disappear because of a single flight test. Given the results of the most recent intercept attempt, it is reasonable to delay provision of THAAD EMD funding beyond fiscal year 1999. Additional reductions, however, are not warranted.

Mrs. HUTCHISON. Mr. President, I commend the Senator from Mississippi. He has shown such leadership in bringing to our attention the importance of a missile defense system for this country. We have all been shocked this week to hear what is happening across the globe with India actually testing a nuclear weapon and starting an arms race, tension that we haven't seen in a long time.

I can't think of another country in the world that would be testing its own missile defense system out in the open as we are, the THAAD missile that my colleague just talked about, but we did. Yes, it didn't work. And, yes, we are all disappointed and we are hoping that we can learn from what didn't work on that test and perfect it. But that is why we have tests of defensive systems.

But I think what Senator COCHRAN has done is, he is putting in context how important it is that we put our full force behind the priority of defending our shores and our troops, wherever they may be, anywhere in the world, against any incoming ballistic missile,

a Scud missile or an intercontinental missile. Senator COCHRAN is right. The Senate had a very important vote yesterday, and by only one vote—by only one vote in the Senate, we were not able to move and clearly say that this country's first priority is going to be a defensive system for the ballistic missiles that we know 30 countries are now in the process of perfecting.

So I commend him for the statement he just made, for the efforts he has been making over the last year, and for the future efforts that we are all going to make to continue to press this very important issue. As we are debating the defense authorization bill for our country, I can think of no higher priority than to make sure that the shores of our country are protected against an incoming ballistic missile, whether it be from a rogue nation or terrorist act. That our people would know that we would be protected is the very highest priority. We are debating right now how to fund and make sure that our troops have everything they need to do the job to protect us. They should have that same protection anywhere that they would be representing the United States of America. In any theater anywhere in the world, we should be able to have a defense against an incoming ballistic missile.

So I commend the Senator from Mississippi, and I want to say we will not rest until we have won this issue, that we would be able to deploy right now our first priority, a defensive system for incoming ballistic missiles.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I wish to thank the distinguished Senator from Texas for her kind and generous remarks. I agree with her that we need to do everything we can to study the test results, translate that into solving the problems we have in these systems for theater weapons that we have to protect our troops that are already being programmed—there are already deployment decisions that have been made, even though we haven't completed the development and the testing phase.

I hope we can see some successful tests soon and we urge the contractors and the Department to work as hard as they can to see that is done.

AMENDMENT NO. 2410

(Purpose: To provide eligibility for hardship duty pay on the basis of the nature of the duty performed instead of the location of the duty, and to repeal an exception)

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that it be in order for the Senate to consider amendment No. 2410; that the amendment be agreed to; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2410) was agreed to, as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. HARDSHIP DUTY PAY.

(a) DUTY FOR WHICH PAY AUTHORIZED.—Subsection (a) of section 305 of title 37,

United States Code, is amended by striking out "on duty at a location" and all that follows and inserting in lieu thereof "performing duty in the United States or outside the United States that is designated by the Secretary of Defense as hardship duty."

(b) REPEAL OF EXCEPTION FOR MEMBERS RECEIVING CAREER SEA PAY.—Subsection (c) of such section is repealed.

(c) CONFORMING AMENDMENTS.—(1) Subsections (b) and (d) of such section are amended by striking out "hardship duty location pay" and inserting in lieu thereof "hardship duty pay".

(2) Subsection (d) of such section is redesignated as subsection (c).

(3) The heading for such section is amended by striking out "location".

(4) Section 907(d) of title 37, United States Code, is amended by striking out "duty at a hardship duty location" and inserting in lieu thereof "hardship duty".

(d) CLERICAL AMENDMENT.—The item relating to section 305 in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

"305. Special pay: hardship duty pay."

Mr. MCCAIN. Mr. President, this amendment will give the Secretary of Defense authority to compensate our men and women in uniform that are serving in remote areas, in very difficult situations. Specifically, this amendment amends hardship duty location pay and allows the Secretary of Defense to designate certain "duties" as a hardship rather than limiting the pay to hardship duty "locations" only. This will allow for designation of certain missions like Joint Task Force Full Accounting (JTF-FA), the POW/MIA search teams, and the Central Identification Lab (CILHI) to be designated for receipt of the hardship duty pay. These teams are exposed to the most arduous conditions while deployed to remote, isolated areas of Laos, Cambodia, Vietnam, North Korea and China to conduct excavations of crash sites and identification of remains of U.S. servicemembers.

This amendment also allows the Secretary to recognize members serving in high operation tempo missions and eliminates the restriction on members receiving sea pay and hardship duty pay simultaneously. This would allow naval members who are serving in high operations tempo units to receive the added benefit. The hardship duty pay limit of \$300 per month would not be changed.

I commend my friends of the Veterans of Foreign Wars (VFW) for bringing this to my attention. Their concern for the state of the military and those that serve is unsurpassed. During a recent trip to Southeast Asia, the VFW learned that personnel deployed under the command of JTF-FA are not authorized and do not receive imminent danger pay when deployed on Joint Field Activity operations in Laos and Vietnam. They reported their concerns to me because many of the crash sites were in extremely difficult terrain, littered by unexploded munitions.

At one Joint Field Activity excavation site that they visited in western Laos, the area in which the team was conducting excavations was littered

with unexploded BLU-26 cluster bomb units. Another crash site excavation was located next to sidewinder missiles. In addition, the teams are exposed to resistant strains of malaria, dengue fever, and other diseases while they are deployed in these isolated and remote areas. Furthermore, most of these sites are far removed from any modern medical facility.

Mr. President, I feel it not only the right thing to do, but that it will help the services to adequately compensate our men and women in uniform so as to entice these young Americans to stay in the service and to consider a career in the military. For the difficult and dangerous duties that they do, they deserve no less.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I ask unanimous consent that I may speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator is informed there is an order to recognize the Senator from California. Is there objection to the request?

Mr. THURMOND. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIGIOUS PERSECUTION THROUGHOUT THE WORLD

Mr. SPECTER. Mr. President, I have sought recognition to compliment the House of Representatives on passage of legislation this afternoon to take a stand against religious persecution worldwide.

And, I compliment Congressman FRANK WOLF of Virginia for his leadership on this very important legislation.

Legislation is pending in the U.S. Senate identical with or very similar to the legislation passed in the House—I am not sure what amendments may have been crafted on the House floor this afternoon and what last-minute changes may have been made—but similar legislation has been introduced by this Senator in the U.S. Senate. And the purpose of this legislation is for the United States to take a stand against religious persecution worldwide.

We have a very unfortunate situation today where Catholic priests are being incarcerated in China, Buddhists are being persecuted in Tibet, and Evangelical Christians are being imprisoned in Saudi Arabia and in Egypt. The essence of freedom of religion is a very fundamental value in the United States and a very fundamental moral value. And, the legislation which passed the House today and which is pending in the Senate will enable the U.S. Government to take a stand against this religious persecution worldwide.